

## REMARKS

This Amendment is being submitted in response to the Office Action mailed in the application on March 24, 2005. Claims 1, 3-9, 11 and 17 have been amended. Claims 25-30 have been added.

A check in the amount of \$1,500.00 for added independent claims 25-30 is enclosed. Authorization is granted to charge our deposit account no. 03-3415 for any additional fees necessary for entry of this Amendment.

The Examiner has rejected applicant's claims 1-6, 9-14 and 17-22 under 35 U.S.C. § 102(e) as being anticipated by Fellegara, et al. (U.S. Patent No. 6,441,854). The Examiner has rejected claims 7, 15 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Fellegara, et al. The Examiner has also rejected claims 8, 16 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Fellegara, et al. in view of Uehara (U.S. Patent No. 5,481,303).

Applicant has amended applicant's independent claims 1, 9 and 17 to clarify the features of the applicant's invention, and with respect to such claims, and their respective dependent claims, the Examiner's rejections are respectfully traversed. Applicant's amended independent claim 1 now recites an image pickup apparatus comprising an image pickup part capable of picking up image data of an object, a volatile recording medium capable of temporarily recording therein a plurality of the image pickup data picked up by the image pickup part, a recording part capable of recording the image data recorded in the volatile recording medium to a nonvolatile recording medium, a change-over part capable of changing over an operation mode of the image pickup apparatus, and a control part capable of, if the operation mode has been changed over by the change-over part before finishing writing-in of image data recorded in the volatile recording medium into the nonvolatile recording medium,

irrespective of a status of the volatile recording medium, executing a process according to the operation mode changed over by the change-over part, after finishing writing-in of the image data recorded in the volatile recording medium into the nonvolatile recording medium.

Applicant's amended independent claims 9 and 17 recite similar features.

The constructions recited in applicant's amended independent claims 1, 9 and 17, and their respective dependent claims, are not taught or suggested by the cited art of record. More particularly, the Examiner has argued with respect to applicant's claims 1, 9 and 17, that the Fellegara, et al. patent discloses a volatile recording medium (working memory in Fig. 6:124). The Examiner has further argued, citing column 11, line 61, through column 13, line 45, of the Fellegara, et al. patent, that "if a first captured image in the digital image capturing mode is stored in the working memory and the mode is changed to a different mode (i.e. film mode), the camera would store the first image data from the working memory into the storage prior to execute the second different mode since the working memory only stores the last captured image and the working memory is needed for the second mode . . ."

Applicant again disagrees with the Examiner's argument. There is nothing specifically stated in the Fellegara, et al. patent, that the last captured image in the working memory 124 is written-in to a nonvolatile memory before the changed-over image capture mode is executed. The patent merely states at lines 17-22 of column 13 that "the last captured working image remains in the working memory 124 until a new exposure operation is initiated regardless of the image capture mode selected . . ." (Emphasis added). Thus, in the Fellegara, et al. patent, only upon exposure initiation in execution of the changed-over mode does anything happen to the last captured image, and the patent fails to teach or suggest that the last captured image is first transferred and then the changed-over mode executed.

Applicant's amended claims thus patentably distinguish over the Fellegara, et al. patent in reciting, in one form or another, "a control part capable of, if the operation mode has been changed over by said change-over part before finishing writing-in of image data recorded in said volatile recording medium into said nonvolatile recording medium, irrespective of a status of the volatile recording medium, executing a process according to the operation mode changed over by said change-over part, after finishing writing-in of the image data recorded in said volatile recording medium into said nonvolatile recording medium."

Furthermore, the Fellegara, et al. patent teaches that the working memory 124 stores only one or a single image at a time. Thus, column 10, lines 42-51, of the Fellegara, et al. patent state, in part, "... the analog subsystem unit 70 and the electronic subsystem unit 72 are powered-up ... as a full resolution and full size digital working image is generated and stored in the working memory 124 in each image capture mode." (Emphasis added).

In contrast, applicant's amended claims now recite that the "volatile recording medium be capable of temporarily recording therein a plurality of image data." Finally, in applicant's amended claims the control part executes a process according to the operation mode changed over by said change-over part, after finishing writing-in of the image data recorded in the volatile recording medium into the nonvolatile recording medium, "irrespective of the status of the nonvolatile memory." Again this feature is not taught or suggested by the Fellegara, et al. patent.

In view of the above, applicant's amended claims 1, 9 and 17, and their respective dependent claims, patentably distinguish over the Fellegara, et al. patent.

In addition, the cited art of record does not teach or suggest the features recited in applicant's new independent claims 25-30. More particularly, there is nothing taught or

suggested in the Fellegara, et al. or the Uehara patents of, if the image capture mode has been changed over to the reproduction mode before finishing writing-in of image data recorded in the volatile recording medium into the nonvolatile recording medium, executing the reproduction mode, after finishing writing-in of the image data recorded in the volatile recording medium into the nonvolatile recording medium.

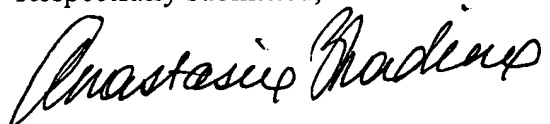
Nor do the cited references disclose or suggest, if the image capture mode has been changed over to the power-off process before finishing writing-in of the image data recorded in the volatile recording medium into the nonvolatile recording medium, executing the power-off process after finishing writing-in of the image data recorded in the volatile recording medium into the nonvolatile recording medium. Applicant notes, in this regard, that since the working memory in the Fellegara, et al. patent only stores one image at a time, upon power down this image would be retained and there would be no "images preceding the last captured image . . . inherently sent to the nonvolatile memory," as the Examiner has argued.

In view of the above, it is submitted that applicant's claims, as amended, and applicant's newly added claims, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested. If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicant's counsel at (212) 790-9286.

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Respectfully submitted,



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